



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

EX PARTE OR LATE FILED  
ORIGINAL  
FILE COPY

May 20, 1998

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

**RECEIVED**  
MAY 20 1998  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Ex Parte Letter in WT Dkt. No. 96-86, Establishment of Rules and  
Requirements for Priority Access Service

Dear Ms. Salas:

Enclosed you will find two copies of the ex parte letter from Larry Irving, Assistant Secretary for Communications and Information, Department of Commerce, to Chairman William E. Kennard in the above-referenced proceeding. The original was hand-delivered to Chairman Kennard and copies have been hand-delivered to each of the Commissioners.

Please direct any questions you may have regarding this filing to the undersigned. Thank you for your cooperation.

Respectfully submitted,

Kathy D. Smith  
Acting Chief Counsel

Enclosures

cc: Chairman William E. Kennard  
Commissioner Susan Ness  
Commissioner Harold Furchtgott-Roth  
Commissioner Michael Powell  
Commissioner Gloria Tristani

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UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Communications  
and Information  
Washington, D.C. 20230

MAY 20 1998

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Ex Parte

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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Re: WT Docket No. 96-86, Establishment of Rules and  
Requirements for Priority Access Service

Dear Chairman Kennard:

Commercial wireless services, particularly cellular and personal communications services, are becoming more and more important in protecting lives and responding to emergencies. Private citizens are not alone in recognizing the value of wireless devices more and more in these situations. Federal and State governments are increasingly using commercial wireless in public safety and emergency preparedness situations.

As the President's principal adviser on telecommunications and information issues and as Chairman of the Federal Wireless Policy Committee (FWPC), I write today to support the priority access proposals of the National Communications System now being considered by the Commission in the above-referenced proceeding<sup>1/</sup> and to urge quick action by the Commission. As you may know, the FWPC is an inter-agency advisory group established in 1993 to address the opportunities and the problems of Federal agency users of commercial wireless systems. The FWPC and the Federal Wireless Users' Forum (FWUF) have helped me develop insights into the ways that commercial wireless services can be introduced into the Federal sector and can meet special Federal needs.

Increased use of wireless services by Federal agencies gives those agencies access to an established and usually reliable means of communications. Moreover, to the extent that commercial wireless services can meet the requirements of Federal users, it encourages those users to migrate from private government systems, thus freeing valuable spectrum for other purposes.

A major impediment to the greater use of commercial wireless services by Federal agencies is that there is currently no system in place to give priority access to qualified users in times of

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<sup>1/</sup> NTIA previously filed comments on the public safety spectrum aspects of this proceeding. Comments of the National Telecommunications and Information Administration, filed Dec. 24, 1997.

public safety or national security emergency. At such times, completion of a call could be a matter of life and death. Already we have seen instances in which emergency personnel have had difficulty communicating in times of disaster. As the National Communications System reported in its Petition, after the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, the public was asked to stop using cellular phones because local response teams were having difficulty communicating because of congestion in cellular frequencies.<sup>2/</sup> The NCS cites similar congestion after the Loma Prieta earthquake, Hurricanes Hugo and Andrew, and the World Trade Center bombing. The inability to get calls through in times of emergency therefore cannot be viewed as a limited or isolated problem. With dramatically increased use of cellular, PCS, and other commercial wireless services by Federal agencies as well as the public at large, it is only a matter of time until another public disaster brings this problem to the forefront.

Many Federal agencies represented on the FWPC consider priority access as a critical feature that needs to be in place before they can expect to use commercial wireless systems in support of public safety and in emergencies. The FWPC asked the NCS to take the lead in developing a priority access system.<sup>3/</sup>

The NCS petition asks for a system of priority for available channels, not preemption of other communications in process. NCS also requests that the Commission establish priority access as a voluntary service offering that could be marketed to government and public safety users. This reasoned approach will let the market guide implementation and should be attempted now, rather than in the aftermath of a disaster.

While the Commission must address many important issues in this docket, we urge expeditious action to put such a service in place without delay. In the meantime, the NCS and the Federal community are poised and waiting to begin a pilot program on the

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<sup>2/</sup> Petition for Rulemaking of the National Communications System, files Oct. 19, 1995 at 5.

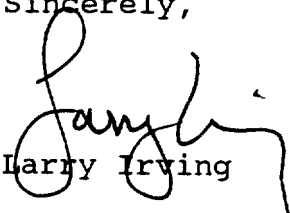
<sup>3/</sup> Petition for Rulemaking of the National Communications System, filed Oct. 19, 1995, at 9.

The Honorable William E. Kennard  
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Federal Wireless Telecommunications Services contract, administered by the General Services Administration, to answer many of the questions raised in this Notice. The standards and technologies are sufficiently mature to begin deployment of this service. The technology and the policies can, and likely will, be refined with the early experience with this service.

Thank you for considering these views.

Sincerely,



Larry Irving

cc: Honorable Susan Ness  
Honorable Harold W. Furchtgott-Roth  
Honorable Michael K. Powell  
Honorable Gloria Tristani